

MEETING NO. 7  
REGULAR NO. 7

REGULAR TOWN BOARD MEETING

APRIL 6, 2015  
7:00 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, April 6, 2015 at 7:00 P.M. Supervisor Milligan called the Meeting to Order and Councilman Witt led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

- PRESENT: Harry Milligan, Supervisor  
Ralph P. Witt, Councilman
- ABSENT: Mary Riddoch, Councilwoman
- RECORDING SECRETARY: Debra A. Crist, Town Clerk
- OTHERS PRESENT: Jennifer Strong, Town Attorney  
Gary Wagner, Highway Supt.  
Michael Metzger, Town Engineer  
Andrew Oles, Planning Board  
Len Weglarski, DCO

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of March 16, 2015. The Motion was put to a Roll Call Vote on April 6, 2015 and was

**CARRIED.**

Ayes 2 Milligan & Witt  
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WITT AND SECONDED BY SUPERVISOR MILLIGAN TO WIT; VOUCHERS #290-351

<u>ACCOUNT</u>	<u>ABST. #1</u>	<u>ABST. #2</u>	<u>TOTAL</u>
GENERAL FUND "A"	\$35,737.23	\$23,999.68	\$59,736.91
HGHWY FUND "DA/DB"	24,780.13	11,089.82	35,869.95
PART-TOWN FUND "B"	2,046.85	2,006.84	4,053.69
CONSOLIDATED WATER "WR"			
SP FIRE PROT. "SF"		440.61	440.61
SD#2 FUND "SA"	2,111.80	844.40	2,956.20
TRUST/AGCY FUND "T"	4,286.50	1,196.70	5,483.20
SP REFUSE FUND "SR"	33,633.41	175.21	33,808.62
STREET LIGHTING FUND "SL"	7,455.27	25.58	7,480.85
PERIWINKLE LTG. "SL1"	54.21		54.21
GRANTS		600.00	600.00
TOTALS	\$110,105.40	\$40,378.84	\$150,484.24

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON MARCH 16, 2015 AND WAS

**ADOPTED.**

Ayes 2 Milligan & Witt  
Nays 0

**BUSINESS FROM THE FLOOR**

Ed Earsing/S. Woodside thanked Supervisor Milligan for his diligence pursuing the State D.O.T. to remove the no right on red sign at Broadway and Townline, it has been removed.

**COMMUNICATIONS**

**Councilman Witt:**

Correspondence was received from the Southern Tier Gov. Organization with regard to a training session that they are holding next month. He will pass this on to the Planning Board. Town Clerk Crist had passed the information to Planning Board Chairman Mike Dewitt.

**Supervisor Milligan:**

A letter was received from Little League Baseball regarding use of the R.O. Smith ball diamonds on specified dates. He would like this on the Work Session.

A letter was received from County Executive Mark C. Poloncarz informing the Supervisor that as the Affirmative Action Officer for our community he is required to attend at least one fair housing training session every three years. The last one attended was 10/22/14. They are offering two training sessions on April 27<sup>th</sup> and April 30<sup>th</sup>.

The postage machine report for March was received - \$358.23 in postage was used.

The Building Inspector report was received. There was \$615.00 in permit fees.

The Monthly Report from the Town Clerk for tax collection was received. \$76,636.44 was collected in March. The total taxes collected year to date is \$5,151,673.85.

A letter was received from the Veterans Association requesting permission to sell Buddy Poppies in the Town. He would like this on the Work Session.

A letter was received from Michael Metzger, who is in charge of our Sewer Plant in the Alauras. We are having problems over there. He sent a copy of a letter he would like to send to the residents who use the sewer plant to help keep the costs down.

A letter was received from New York State Department of Transportation stating that they have completed a traffic engineering investigation related to our December 17, 2014 request to remove the No Turn on Red restriction on Townline at Broadway. The sign will be removed based on this study.

A tax check was received from the County of Erie for \$244,514.25.

**NEW BUSINESS**

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WITT, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR MILLIGAN TO WIT;

WHEREAS, the Alden Town Board has noticed the need to lower the building permit fees for commercial buildings and to amend other fees to bring said fees in line with those of surrounding municipalities and to be fair to commercial developers in the Town of Alden;

WHEREAS, the Alden Town Board is authorized under State Law and under the Alden Town Code to set said fees upon resolution duly adopted by the Town Board; and

WHEREAS, the proposed fee reductions are fair and reasonable and are reasonably related to the services performed by the Town of Alden Building Inspector.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

- 1. The Town Board hereby adopts (and rescinds all prior versions) the attached TOWN OF ALDEN FEE SCHEDULE as the official fees charged by the Town of Alden, effective as of 12:01 am on April 7, 2015; and
- 2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 6, 2015, and

**ADOPTED.**

Ayes 2 Milligan & Witt

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WITT TO WIT;

WHEREAS, the Town Board of the Town of Alden is considering an application by Gerald Hinsken for the subdivision of three (3) lots. The entire parcel currently consists of approximately 60 acres on Townline Road in the Town of Alden, further identified as SBL #129.00-1-10.1. The first proposed lot ("Parcel A") would be a 3 acre vacant parcel; the second proposed lot ("Parcel B") would be a 3 acre parcel; and the remaining parcel ("Parcel C") would be the remaining 54 acre that contains a house and outbuildings (The "Proposed Action");

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA;

WHEREAS, the Town Board believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to subdivision; the agency with the broadest governmental powers for investigating the impact of the Proposed Action; has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority;

WHEREAS, the Town Building Inspector has provided notice to the Erie County Division of Planning for this Proposed Action, as required under Section 239-m of the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.
3. This resolution shall take effect immediately.

**ON THE QUESTION: Councilman Witt said that the Planning Board looked at this a month ago and approved it to the Town Board. It was looked at last week at the Work Session and now we are doing the SEQRA for it. If you look at item N on the agenda the Town Board has not looked at it or the Planning Board. Why are these out of order? Attorney Strong said that we are trying to speed these up for applicants. There is no reason that the Town Board cannot declare Lead Agency and get those notices out to the agencies involved. Lead Agency is not an approval. If the Planning Board rejects, we can be done. The process will be sped up and the applicant will not have to have the timely wait. Councilman Witt also wanted the Planning Board to be aware of the fact that some lenders (banks) do not like to give mortgages out on parcels over one acre.**

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on April 6, 2015, and was

**ADOPTED.**

Ayes 2 Milligan & Witt

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WITT, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR MILLIGAN TO WIT;

WHEREAS, the Alden Town Board has received a request from Parks Supervisor to purchase 18 50# bags of Baren-50390A RPR Yellow Jacket Coated grass seed (the seed recommended after soil testing) for use at the various Town Parks the estimated cost of which less than \$2,000.01 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden state that the Town must prepare a request for proposal and then obtain written quotes from at least two (2) vendors, except in the case of a sole source provider where multiple quotes are not required;

WHEREAS, Professional Turf Services, Inc. is the only seed provider who sells Baren-50390A RPR Yellow Jacket Coated grass seed; and

WHEREAS, The Town Board after full and careful review and consideration of the request finds that it is in the public interest to authorize the purchase of the above described grass seed.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of 18 50# bags of Baren-50390A RPR Yellow Jacket Coated grass seed from Professional Turf Services, Inc., the sole source provider, including delivery at a total cost of \$1,836.01 (\$102.00 per 50 pounds);

2. The Parks Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and

3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 6, 2015, and was **ADOPTED.**

Ayes 2 Milligan & Witt

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WITT TO WIT;

WHEREAS, the Alden Town Board has received a request from the Town Court for a new air conditioning unit for the Town Court Room, the cost of which is less than \$10,000.01 but greater than \$2,000.00;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden state that the Town must prepare a request for proposal and then obtain written quotes from at least three (3) vendors;

WHEREAS, a request for proposal (price for a wall installed air conditioning unit) was made to three (3) vendors as follows:

the highest vendor is Tom Miller Heating at \$3,850.00;

the second highest vendor is Sitzman's appliances at \$3,765.00; and

the lowest vendor is Petschke at \$3,500.00; and

WHEREAS, The Town Board after full and careful review and consideration of the request finds that it is in the public interest to authorize the purchase, a portion of which will be re-paid by the JCAP Program.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the purchase of one wall installed air conditioning unit for the Town Courtroom from Petschke for \$3,500.00 as outlined on the attached specs;
2. The Supervisor of the Town of Alden is authorized to sign any and all necessary documents to effectuate this purchase; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 6, 2015, and was **ADOPTED.**

Ayes 2 Milligan & Witt

Nays 0

Councilman Witt moved and Supervisor Milligan seconded the Motion to approve the renewal of the Home Occupation Permit for Ken & Susan Tomporowski, 11230 Westwood/Furniture refinish & repair for a period of one year. The foregoing Motion was put to a Roll Call Vote on April 6, 2015 and was **CARRIED.**

Ayes 2 Milligan & Witt

Nays 0

Supervisor Milligan moved and Councilman Witt seconded the Motion to approve the renewal of the Home Occupation Permit for Ronald Blakeslee, 456 Creekside Drive/Tax Preparation for a period of one year. The Foregoing Motion was put to a Roll Call Vote on April 6, 2015 and was

**CARRIED.**

Ayes 2 Milligan & Witt

Nays 0

Councilman Witt moved and Supervisor Milligan seconded the Motion to approve the renewal of the Kennel Special Use Permit for Debra Weikleenget, 11268 Kieffer Rd. for a period of one year. The Foregoing Motion was put to a Roll Call Vote on April 6, 2015 and was

**CARRIED.**

Ayes 2 Milligan & Witt

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WITT TO WIT;

WHEREAS, the Town Highway Garage is in need of structural repairs due to roof damage caused by the November, 2014 Snowstorm,, which require specifications and construction documents to be drawn up by a professional engineer/architect; which falls under the professional service exemption of the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law;

WHEREAS, the Town of Alden's Procurement Policy & Procedure Guidelines and the General Municipal Law have been followed; and

WHEREAS, The Town Board after full and careful review and consideration of the request finds said request to hire an architect/engineer to draw up the specifications and construction documents for the structural repairs at the Town Highway Garage as being consistent with its policies and in the interest of the residents of the Town of Alden.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the hiring of Petrilli Structural & Consulting Engineering, PC at a cost of \$4,300.00 to draw up the specifications and construction documents, as outlined in the attached proposal, for the structural repairs to the Town Highway Garage; the cost of which will be reimbursed by the Town's Insurance;

2. The Town Supervisor is authorized to sign any and all necessary documents to effectuate this Agreement; and

3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 6, 2015, and was

**ADOPTED.**

Ayes 2 Milligan & Witt

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WITT, WHO MOVED ITS ADOPTION,SECONDED BY SUPERVISOR MILLIGAN TO WIT;

WHEREAS, the Alden Town Board has received a request from Supervisor Milligan to hire Terry Buchwald as Elvis to perform for the Town of Alden 2015 Summer Concert Series, the estimated cost of the performance is less than \$2,000.00 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden state that professional services and unique services are exempt from the Guidelines;

WHEREAS, The Town Board after full and careful review and consideration of the request finds that it is in the public interest to authorize the hiring of Terry Buchwald as Elvis.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the Contract with Terry Buchwald to perform at the July 29, 2015 Alden Summer Concert Night at a total cost of \$700.00;

2. The Town Supervisor of the Town of Alden is authorized to sign the Contract to effectuate this performance; and

3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 6, 2015, and was

**ADOPTED.**

Ayes 2 Milligan & Witt

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WITT TO WIT;

WHEREAS, the Alden Town Board has received a request from Supervisor Milligan to hire the Buffalo Swing Band to perform for the Town of Alden 2015 Summer Concert Series, the estimated cost of the performance is less than \$2,000.00 but greater than \$500.00;

WHEREAS, the Procurement Policy & Procedure Guidelines ("Guidelines") of the Town of Alden state that professional services and unique services are exempt from the Guidelines;

WHEREAS, The Town Board after full and careful review and consideration of the request finds that it is in the public interest to authorize the hiring of the Buffalo Swing Band.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. The Town Board approves the Contract with Buffalo Swing Band to perform at the July 15, 2015 Alden Summer Concert Night at a total cost of \$950.00;
2. The Town Supervisor of the Town of Alden is authorized to sign the Contract to effectuate this performance; and
3. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 6, 2015, and was **ADOPTED.**

Ayes 2 Milligan & Witt

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN WITT, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR MILLIGAN TO WIT;

WHEREAS, the Town Board of the Town of Alden is considering an application, by Cheryl L. Engasser for site plan approval of a storage facility at 2773 Townline Road, in the Town of Alden, further identified by SBL # 96.00-4-16.1 (The "Proposed Action");

WHEREAS, the Town Board of the Town of Alden has determined that the Proposed Action is an Unlisted Action under SEQRA but has determined that it is in the public interest to conduct a un-coordinated review;

WHEREAS, the Town of Board of the Town of Alden believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to site plan approval; is the agency with the broadest governmental powers for investigating the impact of the Proposed Action; and has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority; and

WHEREAS, the Town Building Inspector has provided notice to the Erie County Division of Planning, for this proposed site plan approval, as required under Section 239-m of the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the proposed site plan approval is an Unlisted Action under SEQRA;
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the site plan approval; and
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board on April 6, 2015 and was

**ADOPTED.**

Ayes 2 Milligan & Witt

Nays 0

Supervisor Milligan Moved and Councilman Witt seconded the Motion to approve the use of the Alden Town Park for the 5K Race for Scholarships sponsored by Alden Community Scholarship Foundation to be held on Friday, June 5<sup>th</sup>, 2015 to include Shelters #1 and #2, the walking path & permanent lavatory structures. The Foregoing Motion was put to a Roll Call Vote on April 6, 2015 and was

**CARRIED.**

Ayes 2 Milligan & Witt

Nays 0

Councilman Witt Moved and Supervisor Milligan seconded the Motion to table the Resolution authorizing the Town Clerk to advertise for bids for the Community Center repairs. The foregoing Motion was put to a Roll Call Vote on April 6, 2015 and

**CARRIED.**

Ayes 2 Milligan & Witt

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN WITT TO WIT;

WHEREAS, the Town Board of the Town of Alden is considering an application by Lucas A. Cellino as agent for Anna Gilbert for the subdivision of two (2) lots. The entire parcel currently consists of approximately 26 acres on Walden Avenue in the Town of Alden, further identified as SBL #96.00-6-39.1. The first proposed lot ("Parcel A") would be a 1 acre parcel with the existing house; the second proposed lot ("Parcel B") would be the remaining 25 acre parcel of vacant land (The "Proposed Action");

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA;

WHEREAS, the Town Board believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to subdivision; the agency with the broadest governmental powers for investigating the impact of the Proposed Action; has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority;

WHEREAS, the Town Building Inspector has provided notice to the Erie County Division of Planning for this Proposed Action, as required under Section 239-m of the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Alden on April 6, 2015, and was

**ADOPTED.**

Ayes 2 Milligan & Witt

Nays 0

**UNFINISHED & TABLED BUSINESS**

Resolution authorizing the Town Clerk to advertise for bids for Community Center Repairs.

**REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL**

**Councilman Witt:**

Councilman Witt referred to the discussion of deferred compensation at the last Work Session. Since that meeting, he went to the school and talked to the Chief Financial Officer there, he said that they have the program at no cost to the school. This program is not subscribed to very much as they offer other types also. Councilman Witt also went to the Village of Alden. They offer the program at no cost to them and have five people in the program. Ralph called the representative that is on the literature and has not heard back. He will continue to pursue this. Attorney Strong said she had put it on the agenda for the next Work Session and that maybe the representative could come to the Work Session to make a presentation.

**Town Clerk Crist:**

The Clerk's office is still awaiting receipt of the equipment for the credit/debit card system that will be installed. Delivery is scheduled for this week.

**Hwy. Supt. Wagner:**

An ad was placed in the Alden Advertiser for part-time summer help.

**Engineer Metzger:**

Highway Garage: He will inform the structural engineer that based on the approval tonight he can begin work.

Sewer Plant: He had a meeting with the Operator and toured the plant to learn more about it and its operation, issues and any upcoming problems that might be anticipated to make sure we stay on top of things. He sent a suggested letter over to the Supervisor to review to be sent to the residents who are in the Sewer Plant district. There are certain things that are being flushed down the sewer system that should not be there. Rags, etc. can cause problems with the plant. A reminder of what they should or should not be doing with their sewer treatment plant may be in order to prevent future breakdowns.

Water District: All the waterlines have been installed on Exchange. He did not like the condition that some of the ditches were left in. They have gone back and cleaned that up. The ditches are functioning and operational. The next step would be testing and disinfection on Exchange. He is working with the Water Company with the details on how this will happen. The Water Authority has to plan out how they will provide us with enough water to do this. They have moved to Zoeller Rd. and started at the creek and heading south from there. They will need to get a D.O.T. permit to go under Walden Ave. Once the testing and disinfection of Exchange is done they can go back and start connections. Supervisor Milligan informed Eng. Metzger that we had a call Friday from 33 Exchange about her driveway sinking.

Supervisor Milligan went over to Zoeller and gave a note to the inspector informing him. Engineer Metzger will double check on this.

**Andrew Oles, Planning Board:** The Planning Board had discussed the Hinsken subdivision and recommended approval to the Town Board. He will make the Planning Board aware of the one acre restriction for some mortgages. They will discuss the Cellino/Walden Ave. subdivision at the next meeting.

**NOTICE OF MEETINGS**

**NEXT WORK SESSION: April 13, 2015 @ 7:00 PM**

**NEXT TOWN BOARD MTG.: April 20, 2015 @ 7:00 PM**

**MEMORIAL REMEMBRANCE**

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Edmund Herter and William Brown.

**AT 7:34 P.M. SUPERVISOR MILLIGAN MOVED TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO AN EXECUTIVE SESSION WITH THE TOWN BOARD AND THE TOWN ATTORNEY REGARDING CONTRACT WORDING. COUNCILMAN WITT SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON APRIL 6, 2015 AND**

**CARRIED.**

Ayes 2 Milligan & Witt

Nays 0

**AT 7:45 P.M. COUNCILMAN WITT MOVED TO ADJOURN FROM THE EXECUTIVE SESSION, WITH NO ACTION TAKEN AND ENTER BACK INTO THE REGULAR MEETING. SUPERVISOR MILLIGAN SECONDED THE MOTION. THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON APRIL 6, 2015 AND WAS**

**CARRIED.**

Ayes 2 Milligan & Witt



Nays 0

**ADJOURNMENT**

Supervisor Milligan adjourned the Meeting at 7:46 P.M.

Debra A. Crist  
Alden Town Clerk